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November 20, 2024

Hon. Edgardo Ramos

Thurgood Marshall United States Courthouse

40 Foley Sq., Courtroom 619

New York, New York 10007

MEMO ENDORSED

Re: Western Energy Opportunities II, LLC d/b/a Western Energy Regional Center v. Finalis Securities et al. (Case No. 24-cv-2565(ER))

To the Hon. Judge Ramos:

This firm represents Western Energy Opportunities II LLC d/b/a Western Energy Regional Center (“Plaintiff” or “Western Energy”) in the above-referenced.

As Your Honor will recall, there are two pending motions – one motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) filed by defendant Finalis Securities, Inc. and one motion to compel arbitration pursuant to Fed. R. Civ. P. 12(c) filed by defendants Reuss and (purportedly) by defendant EB5 Energy Fund I, LP d/b/a EB5 Marketplace (which was not a signatory to the subject agreement). I write for two reasons.

First, Plaintiff respectfully requests oral argument on the pending motions to dismiss and to compel arbitration. The reason for this request is that Plaintiff believes the context and interplay between the motions, as well as certain defendants’ conduct thus far in the litigation can be better explained at oral argument.


Second, Plaintiff respectfully requests that the Court schedule an initial conference in order for the parties to begin discovery for several reasons. First, the EB5 Defendants’ competing business remains operational, and discovery will be required to determine whether further intervention may be requested from the Court. Second, due to certain defendants’ dilatory tactics and the motions, the matter, which was commenced nearly eight months ago, has made very little progress, which is continuing to harm Plaintiff. Finally, even if one or both of the motions are successful, claims in this litigation will continue in this Court (as multiple defendants have not properly moved to dismiss or compel, and only certain claims are subject to the alleged arbitration provision).

Respectfully Submitted,

/s/ Michael Steinmetz
Michael Steinmetz

The Court will determine whether oral argument on the pending motions will be required. In addition, Plaintiff’s request for an initial conference to begin discovery is denied.

SO ORDERED.


Edgardo Ramos, U.S.D.J.
Dated: November 26, 2024
New York, New York